



An  
Bord  
Pleanála

## Inspector's Report ABP-302643-18

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<b>Development</b>	8 no. residential serviced sites and all associated ancillary development works including vehicular access, parking, footpaths, drainage, landscaping and amenity areas.
<b>Location</b>	Cúil Chluthair, Sarsfieldscourt, Glanmire, Co. Cork.
<b>Planning Authority</b>	Cork County Council.
<b>Planning Authority Reg. Ref.</b>	18/4115
<b>Applicant(s)</b>	Ted and Phil Murphy
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	7 No. Third Party
<b>Appellant(s)</b>	<ol style="list-style-type: none"><li>1. Alan and Anne Aherne</li><li>2. Emma Kenefick &amp; Sean McCarthy</li><li>3. Clinton &amp; Caroline O'Moore</li><li>4. Adrian McGarry</li><li>5. Niall MacMahon</li><li>6. Cúil Chluthair Residents Association</li><li>7. Ken and Shirley O'Neill</li></ol>

**Observer(s)**

None

**Date of Site Inspection**

12<sup>th</sup> April 2019.

**Inspector**

Fiona Fair.

## 1.0 Site Location and Description

- 1.1. The appeal site (of some 2.14 ha), is located at Cúil Chluthair, Sarsfieldscourt, Glanmire, Co. Cork. The site is located to the north east of Cork City.
- 1.2. The site forms part of the Cúil Chluthair, residential estate comprising a row of some 12 large individually designed detached properties. It is accessed from an existing entrance with the L-2973 to the west of the appeal site.
- 1.3. The appeal site is steeply sloping, elongated and runs generally in a north east – south west direction. It is located on the western bank of a stream that runs along its eastern boundary. This stream drains to the River Glashaboy a short distance to the south of the site. To the east of the site is the row of 12 detached properties. The lower part of the site abuts the stream and the cul de sac access to these houses.
- 1.4. The upper part of the site is separated from the L-2973 public road (to the north) by an adjacent agricultural field. The eastern site boundary is defined by a band of mature trees and hedging, it is heavily over grown and inaccessible. The western portion of the site is partially defined by a mix of hedging and trees, it is laid out as public open space and abuts the access / cul de sac road, it is steeply sloping.
- 1.5. The immediate area is defined by medium to low density residential development and agricultural lands.

## 2.0 Proposed Development

- 2.1. The proposal comprises permission for:
  - 8 No. residential serviced sites
  - All associated ancillary development works including
    - vehicular access,
    - parking,
    - footpaths,
    - drainage,
    - landscaping and amenity areas.

A flood risk assessment and a design statement have been submitted with the application. A suggested layout has also been included.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Subject to further information being requested with respect to (i) improvement of sustainable pedestrian and cycle connectivity (ii) a revised entrance arrangement is required that provides for a single entrance (and culvert) to access the proposed development. (iii) details of gradients, site sections required for each site, identifying the amount of cutting and filling and use-ability of gardens (iv) sightlines drawing for the revised entrance arrangement off the L-9473 achieving a 30m sightlines in each direction at a point 2.4m back from the edge of the existing road. (v) storm and surface water proposals (vi) detailed proposals for box culvert construction under the proposed entrance (vii) details of pre-connection agreement signed by IW and (viii) public lighting. And Clarification with respect to (i) concern over use-ability of rear garden amenity space and lack of supervision of open space (ii) clarification of surface water disposal and (iii) clarification if a pumping station is required to connect to IW infrastructure on the public road, permission was granted subject to 32 number conditions. Conditions of note include:

C3 Siting, design, external finish and architectural standard shall be to the satisfaction of the p.a. Any subsequent p.a. for sites no.'s 1 – 8 shall include a split level arrangement. Sites 5 and 6 shall be designed to provide passive surveillance over the central open space.

C9. Provision for an uncontrolled pedestrian crossing shall be constructed by the contractor on the L-2973

C10. Traffic calming measures to be provided throughout the estate

C13. Bond

C14. Retention of wayleaves

C17. Taking in charge

C18. Accurate record drawings for roads, footpaths, foul and surface water drains, road gullies, watermains, public lighting, open space, landscaping.

C24. Finished levels and gradient of the proposed open space.

C27. All external boundaries to public areas shall be solid block walls and not timber fences.

C28 Suitable pedestrian links shall be provided at suitable locations, linking open green space / play areas to the proposed footpath. Details of same to be submitted to the p.a. prior to commencement on site.

C30. Invasive species survey with respect to presence of Japanese Knotweed within the site.

C31. Detailed landscaping plan

C32. The proposed culverts to be replaced with widespan bridges. Details to be agreed with the p.a.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The Planners Report sets out that in principle the proposed development is considered acceptable given the location of the site within the established development boundary of Glanmire. It is noted that the area of land was originally intended to be an OS area serving the wider estate, however, this was never developed and the area currently provides no amenity function. It is also noted that this is a challenging site in terms of topography, connectivity, access, amenity, flood risk and servicing.

**Area Engineer:** Subsequent to F.I. being requested report recommends a grant of planning permission subject to condition.

**Estates Primary:** Most up to date report on file requests clarification of F.I.

**Public Lighting:** No objection subject to condition.

**Heritage Unit Primary Report:** No objection subject to condition.

### 3.2.2. **Other reports:**

**Irish Water:** No objection

**Inland Fisheries Ireland (I.F.I):** IFI have expressed serious concerns in relation to the culverting / bridging of the fish bearing stream to facilitate access to the site. It is suggested that this would result in a significant loss to a permanent habitat.

### 3.3. **Third Party Observations**

Objections were submitted to the planning authority. Concerns raised are similar to those raised in the third-party appeals summarised in detail below.

## 4.0 **Planning History**

### 4.1. **On the Subject Appeal lands**

- 4.1.1. There is a significant planning history on the appeal site. Following the refusal of planning permission for 14 number dwellings in 1995 (Reg. Ref. 95/2645), permission was granted for 5 units in 1998 (Reg. Ref. 98/2344) and for 12 units in 2001 under Pl.123885: (S/00/1582), the applicant had originally applied for 16 number units.

## 5.0 **Policy Context**

- 5.1.1. Sustainable Residential Development in Urban Areas, 2009
- 5.1.2. Quality Housing for Sustainable Communities, 2007
- 5.1.3. Development Plan

The site lies just within the development boundary of Glanmire which is governed by the policies and provisions contained in the Cobh Municipal District Local Area Plan 2017.

While it is designated part of the 'existing built up area' of Glanmire it is not specifically zoned.

## 5.2. Natural Heritage Designations

- 5.2.1. The appeal site is located approx. 3.3 Km north of Cork Harbour Special Protection Area (SPA site code 004030) and approx. 5.8 Km northwest from the Great Island Channel Special Area of Conservation (SAC site code 001058)
- 5.2.2. Cork Harbour SPA is designated for the occurrence of nationally or internationally important numbers of the following species: Cormorant, Shelduck, Oystercatcher, Golden Plover, Lapwing, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, for a breeding population of Common Tern and for the regular occurrence of in excess of 20,000 wintering water birds.
- 5.2.3. Features of interest of The Great Island Channel SAC include mudflats and sandflats not covered by seawater at low tide and Atlantic salt meadows.

## 5.3. Environmental Impact Assessment (EIA)

- 5.3.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 5.4. Grounds of Appeal

- 5.4.1. The 7 no. third-party appeals are summarised as follows:

### Policy & Layout

- The proposal does not support higher density housing development in the area.
- Low density housing is contrary to national policy
- There is no connection to public infrastructure
- Existing roads cannot support the development
- Layout will cause problems with access and ingress

### General

- Concern with respect to construction activity and disruption of dust, mud and debris.
- Concern that conditions of permission cannot be met / complied with.

- The planning authority report states that the importance of the site lies in its visual amenity value and its contribution to the setting of the existing estate.

### **Flood Risk**

- Potential to cause harm to the environment and habitats
- Increase the risk of flooding to a flood zone
- A significant percentage of the proposed development of 8 sites is zoned 'Flood Zone A'.
- The existing foul sewer pumping station is entirely located within Flood Zone A and therefore has the potential to leak into the Bleach Hill stream which is a direct feeder of the Glashaboy River which is the source of all drinking water for Glanmire.
- The Cuil Chluthair estate has already been flooded.
- Further development within flood zone A will exacerbate the risk of flooding
- The area is a recognised flood zone.
- The Fisheries Board recommend wide span bridging would be preferred. This matter should not be dealt with by way of condition.

### **Public Open Space**

- Inadequate quantity and quality of POS for existing development.
- The area was to be fully planted as part of the existing planning permission for the 12 houses. Designated green belt for habitats and to absorb rain water and prevent flooding.
- Proposal to develop the POS currently serving the existing 12 houses is unacceptable.
- The existing POS area has been maintained by the residents of the estate for the past 9 years.
- The open space allocation falls to approx. 3% which is less than the minimum stipulated in the County Development Plan.
- No availability of a flat amenity space.
- The proposed new open space area does not serve the existing 12 houses.
- The houses to the east of the open space were all purchased on the basis of a planning consent that identified the lands in question as open space.
- ABP Ref. PL28.230339 where Inspector recommended refusal for development of POS which would seriously injure the amenity of houses.



### **Invasive species**

- Encourages the spread of invasive species – Japanese Knotweed
- Construction management and phasing is uncertain as the application relates to serviced sites.

### **Planning History**

- Protracted planning history dating back to 1995, under which permission has been consistently refused for planning permission on these lands.
- Under 00/1582 an application for a similar number of houses on this proposed site (as part of the original proposal for the original Cuil Chluthair estate) was refused by A Bord Pleanala. A subsequent proposal was again refused in 2003 (ref 03/3576) stating that 'The area shall be retained as POS'.
- The proposal contravenes the conditions of 03/3576

### **Steep Gradient, Excessive Excavation & Impact Upon Ecology**

- The amount of excavation works required to carry out this development would be monumental and would have a disastrous impact on the scenic beauty of the Valley.
- Concern of impact upon ecology of the stream, trees
- Serious concern of gradients on the site, in particular, to rear gardens, excessive steep gradients.

### **Roads and Transportation**

- The surrounding roads are unsuitable for wide vehicles.
- Unable to install footpaths as roads too narrow.
- Concern over the sites poor connectivity.
- The Senior Planners report sets out that a funding mechanism is not available for all the costs associated with such a project within the LIHAF programme for Glanmire.
- It is not reasonable for all costs associated with land acquisition and carriageway widening to be covered by the applicant through a special contribution.
- The Senior Executive Planners Report states that there is a strong argument that the proposal should be refused and re-considered from first principles.

- Location of access points of the culverts / bridges are totally unsuitable.
- Increased risk of accidents because of the new proposed internal road layout.

### 5.5. **Planning Authority Response**

- No response received.

### 5.6. **First Party Response**

5.6.1. A first party response was received it is summarised as follows:

- The issues raised in the appeal were already raised by the appellants during the planning application process.
- The current application site was never designated as open space and provides no amenity function to the existing Cuil Chluthair Estate.
- No condition or requirement was ever applied by Cork County Council stating that approval was needed by residents of the existing estate for future works on this estate.
- The submitted flood Risk Assessment concludes that there would be no impact from the proposed development.
- The development includes provision for footpath proposals to connect the site to the footpath network of Glanmire.
- The development will not have any impact upon invasive species – Japanese Knotweed.
- The planning application was accompanied with a comprehensive list of supporting material which addressed all matters raised by the planning authority.

## 6.0 Assessment

I consider the key issues in determining this appeal are as follows:

- **Principle of the Development on the site**
- **Precedent**
- **Steep Gradient, Excessive Excavation & Impact Upon Ecology**
- **Connectivity, Roads and Footpaths**
- **Invasive Species**
- **Flood Risk**
- **Other Issues**
- **Appropriate Assessment (AA)**

### 6.1. Principle of the Development on the Site

- 6.1.1. The applicant is seeking permission to add 8 no. serviced sites to an existing estate (Cuil Chluthair) on the Northern side of Glanmire. As indicated in section 5.1.3 of this report, above, the appeal site is within the established development boundary for Glanmire, designated 'existing built up area', as per the Cobh Municipal District Local Area Plan (LAP) 2017.
- 6.1.2. Chapter 14 of the County Development Plan deals with zoning and land-use, the subject site is zoned as an 'existing built up area' which provides that proposals for development will be considered in relation to the following:
- The objectives of the Plan
  - Any general or other relevant objectives of the relevant local area plan
  - The character of the surrounding area; and
  - Other planning and sustainable development considerations relevant to the proposal or its surroundings.
- 6.1.3. Section 14.3.6 of the Plan provides that 'the inclusion of the land within an existing built up area does not imply any presumption in favour of development or

redevelopment, unless this would enhance the character and amenity of the area as a whole.

- 6.1.4. It is clear that national policy today strongly supports housing being promoted in areas which can be connected to public services, promotes compact growth, densification and consolidation. Cognisance is had to the National Planning Framework and a suite of National Policy on density, building heights, unit mix and typology, design criteria and DUMRS.
- 6.1.5. There is an extensive planning history on the site. Following the refusal of permission for 14 number dwelling houses on site in 1995, permission was granted for 5 units in 1998 and for 12 units in 2004. Under that application (00/1582), the applicant had originally applied for 16 units. Permission was granted by An Bord Pleanála for 12 units (PL04.123885) contrary to the Inspectors recommendation to refuse permission. In that case (00/1582 / PL04.123885) the planning authority required lands on the west side of the river to be retained and landscaped / planted with trees. The Planning Inspectors Report in the case states: ‘...the site does not form part of the developed area of Glanmire, and should remain so. I do not accept the applicant’s argument that it has limited use other than housing, as I consider it forms a visual buffer between development to the north and south, development on this site would be contrary to the provisions of the County Development Plan, particularly, having regard to its location outside the development boundary of the site’. While the Board did not accept the Inspectors recommendation to refuse Condition 2 omitted the dwellings on sites numbers 13 to 16 and the access road serving them. It states: ‘this area shall be retained as public open space to serve the development and shall be landscaped and planted with trees. Details showing compliance with this requirement shall be submitted to the planning authority for written agreement prior to commencement of development.’
- 6.1.6. It is therefore clear that the subject lands are permitted open space and amenity lands serving the wider estate. The planning authority reports on file consider that as the area was never developed as open space, it currently does not function as open space and provides no amenity function, as such, its loss for housing is acceptable. The report also considers that previously the lands on the western side of the river were not located within the development boundary of Glanmire.

- 6.1.7. Taken in its context the proposal represents low density suburban housing. I disagree that the appeal lands do not function as open space, granted part of the site is inaccessible, however, the lands closer to the entrance, to the west of the site, is landscaped and functions as open space albeit poor quality given its steep gradient. A grant of planning permission would contravene Condition No. 2 of PL04.123885. I have concern, in tandem with the appellants, that the proposed development would eliminate the existing public open space which serves the 12 number dwellings to the east in Cuil Chluthair Estate. The proposed open space area of 10% (0.23 ha) is not in compliance with Section 5.5.7 'Standards for Public Open Space Provision' of the Cork County Development Plan which sets out that: 'Normally all new housing developments need to provide some public open space. Generally, at least 12% to 18% of a site for development excluding areas unsuitable for house construction should be allocated to the provision of public open space. In higher density developments the percentage of open space should broadly align with the higher figure while in lower density developments provision closer to the lower figure may be acceptable'.
- 6.1.8. In tandem with my concerns with respect to contravention of the parent permission, building upon designated public open space and inadequate proposed public open space I highlight that the site is steeply sloping, access across a stream is proposed, part of the site is located within Flood Zone A as per the Cobh Municipal District LAP, 2017 and significant excavation works including cutting and filling, would have to be carried out to accommodate the proposed units and to ensure use-ability of rear gardens for all dwellings. Flood Risk, gradient, excessive excavation and access / connectivity are assessed in greater detail in the subsequent section of this report.
- 6.1.9. Overall, I am of the opinion that the proposed development would be contrary to section 14.3.6 of the Plan which as stated above provides that 'the inclusion of the land within an existing built up area does not imply any presumption in favour of development or redevelopment, unless this would enhance the character and amenity of the area as a whole'. This is a severely constrained site, the proposal fails to overcome the concerns and issues raised in the previous planning applications on the site. The lands are clearly intended as public open space and amenity area to serve the existing estate, therefore I am of the opinion that the proposed

development would be contrary to the proper planning and sustainable development of the area.

## **6.2. Precedent**

- 6.2.1. I am of the opinion that a grant of planning permission in this instance would set an undesirable precedent in terms of non – compliance with planning conditions. Particularly in terms of finishing estates, providing appropriate infrastructure including landscaping and open space. A grant of planning permission in this instance would tacitly imply that given the current housing shortage that it is acceptable to build on areas of open space and that it is not imperative that all planning conditions need to be complied with in the original grant of planning permission. In fact, in the case of the current application and appeal before the Board, one could go further and suggest that non-compliance with condition could be of a financial benefit to the developer if the development were permitted to sell on land earmarked for open space for future development and financial gain.

## **6.3. Steep Gradient, Excessive Excavation & Impact Upon Ecology**

- 6.3.1. Serious concern is had with respect to the steeply sloping nature of this site and the ability to deliver useable public open space and private open space to the rear of the proposed units. I am of the opinion that the level of cut and infilling required in conjunction with removal of trees along the stream, culverting of the stream to provide for access would all militate against the physical, ecological and visual amenity of the area.
- 6.3.2. Policy HE 2-3 of the County Development Plan seeks to retain areas of local biodiversity value and habitats and protect them from inappropriate development. The report from Inland Fisheries Ireland raises concern with respect to culverting of a fish bearing stream. The planning authority assessment of the further information submitted notes that in discussion with the Heritage Unit the preference would be for the replacement of the proposed culverts with bridges so as to reduce the impact upon the adjoining river body. Regard is had to Condition 32 which requires that the culverts be replaced with widespan bridges.

- 6.3.3. The proposal is contrary to Policy HOU 3-2 of the Cork County Development Plan 2014 which states: 'that new urban development should be of a high-quality design and support the achievement of successful urban space'.
- 6.3.4. The proposal seeks to build upon designated public open space and amenity area, it is low density suburban housing. Cognisance being had to the sites topography, the site specific cross sections submitted, and Condition 18 of the notification of decision to grant planning permission Reg. Ref. 18/04115, valid concerns remain with respect to steep gradient, quality of rear gardens to serve proposed dwellings, excessive excavation and impact upon the biodiversity value of the stream and adjoining river body.

#### **6.4. Connectivity, Roads and Footpaths**

- 6.4.1. The appeal site is proposed to be accessed via two accesses, across the stream, from the existing cul de sac access serving the Cuil Chluthair residential estate. The connection / access to the public road is not proposed to be modified.
- 6.4.2. The existing estate is poorly linked to Glanmire by means of public footpath. In particular, it is noted that the presence of a bridge on the public road close to the estate entrance poses a particular concern to pedestrians and cyclists.
- 6.4.3. Third parties are concerned with respect to the capacity of the existing road network to accommodate the proposed development. It is contended that the surrounding roads are unsuitable for wide vehicles. That the roads are too narrow to install footpaths and the internal road layout would give rise to a traffic hazard.
- 6.4.4. The senior executive planners report on file dated 12/03/2018 states: '...I am not aware of any CCC projects to improve existing connectivity to the estate thus proposals will remain somewhat segregated / car dependent and contrary to the current design guidelines. If this element cannot be improved, the current proposal should not be considered.'
- 6.4.5. The Senior planners report dated 17/07/2018 states: '...A key issue identified in the initial planning reports and the RFI concerns the sites relatively poor connectivity...'. It is noted that the applicant has put forward a proposal to address pedestrian and cycle connectivity. Regard is had to Dwg. No 17135/P/003B 'Site Layout – Footpath'. It is contended that for the majority of the route, there is sufficient space to facilitate a

1.8m wide footpath connection between Cuil Chluthair and the existing footpath at Kearney's Cross, with the exception of a few short sections where the footpath is reduced to not less than 1 m at certain pinch points. A pedestrian crossing and traffic calming is also proposed close to the entrance.

- 6.4.6. The same Senior Planners report also states: 'The applicant has put forward a suggested connectivity proposal. To properly address, this would involve land acquisition and carriageway widening for approx. 300 linear meters of road. A funding mechanism is not available for all the costs associated with such a project within the LIHAF programme for Glanmire. It is not reasonable for all costs associated with land acquisition and carriageway widening to be covered by the applicant through a special contribution. This has been discussed with the Director of Planning and the Divisional Manager. Given these facts; the relatively small scale of development; noting that the site constitutes the extent of the settlement boundary with no zonings beyond it via this road; and because the issue is not raised as a concern by the Area Engineer, this is not considered such a significant concern as to warrant a refusal of permission.'
- 6.4.7. Regard is had to Conditions 4, 9, 10 and 13 of the notification of decision to grant planning permission forthcoming from the p.a. which relate to sight distances, pedestrian crossing, traffic calming and a bond. It is noted that no special contribution was attached to the notification of decision to grant planning permission. Condition 2, only, requires that any subsequent permission for a building or buildings shall be subject to a condition requiring payment of a development contribution.
- 6.4.8. Cognisance is had to the low density of the proposal for 8 no. dwelling's. However, I am of the opinion, added to my concerns in respect of the overall principle of the proposal and taken in conjunction with other problems raised, that the lack of footpath / cycle connectivity to Glanmire is contrary to DMURS and unacceptable. Given the absence of footpaths on the public road serving the site, it is considered that the subject development would give rise to a traffic hazard.
- 6.4.9. Overall, I am of the opinion planning permission should be refused on grounds of poor connectivity and traffic hazard.



## 6.5. Invasive Species

- 6.5.1. Third parties are concerned that development on this site would encourage the spread of invasive species – Japanese Knotweed. That given the nature of the proposal for serviced sites that construction management and phasing is uncertain.
- 6.5.2. The Heritage Unit in their report set out that should it be present on site it will require management to be agreed with the p.a. and the matter should be dealt with by way of condition.
- 6.5.3. I note the Condition 30 of the decision to grant planning permission which requires in the interest of environmental protection an invasive species survey be carried out in respect of the proposed development having particular regard to the presence of Japanese Knotweed.
- 6.5.4. I consider that the matter can be dealt with by way of condition. From information on the file I see no justifiable reason to refuse planning permission on grounds of possible presence / spread of invasive species – Japanese Knotweed.

## 6.6. Flood Risk

- 6.6.1. Third party concern is expressed that development (on steeply sloping lands) would lead to increases both in the rate of runoff and the volume of run-off leading to flooding.
- 6.6.2. Part of the subject appeal site is located within Flood Zone A as set out in the Cobh Municipal District LAP 2017. A Flood Risk Assessment was submitted with the application which concludes there will be no impact on either upstream or downstream properties arising from the proposed development.
- 6.6.3. The first party appeal response acknowledges that the existing Cuil Chluthair estate was previously flooded in 2012. It is contended this was due to a partial culver blockage which has not yet been recorded on the OPW Flood Maps database. The first party submit that all of the eight sites are elevated above the stream channelled by several meters and none are either within Flood Zone A or B.
- 6.6.4. The senior executive planners report on file dated 12/03/2018 sets out that while flooding has been raised as a concern by many of the objections received, the issue

has been considered by the area engineer and deemed satisfactory subject to additional culverting details.

- 6.6.5. The Engineering Section of the Council was satisfied with the proposal, and recommended that permission be granted subject to certain conditions being attached. The replacement of the two proposed culverts with widespan bridges across the stream, by way of requirement under Condition 32, of the notification of decision to grant planning permission is noted.
- 6.6.6. I consider given the level of development proposed, the appeal site location, established pattern of development in the vicinity and measures proposed in terms of FFLs that the proposal is acceptable in this regard. I see no justifiable reason to refuse planning permission on grounds of flood risk.

#### **6.7. Other Issues**

- 6.7.1. Concern with respect to construction activity and disruption by way of dust, mud and debris.
- 6.7.2. I am of the opinion, that subject to condition re: construction management and regard being had to reputable building practices, the proposal if permitted would have a finite and negligible effect on the adjoining property.

#### **6.8. Appropriate Assessment (AA)**

- 6.8.1. Great Island Channel Special Area of Conservation (SAC site code 001058) is located approx. 5.5 Km to the south east of the site and 10.6Km downstream. The Bleach Hill Stream (name as per EIA Map viewer) runs from the north east of the site to the south east of the site and connects with the Glashaboy c. 200m to the south west of the site. From here the Glashaboy River runs southwards in to Cork Harbour / Great Island Chanel.
- 6.8.2. Cork Harbour Special Protection Area (SPA site code 004030) is located approx. 3.3Km to the south of the appeal site.
- 6.8.3. The Heritage Officer has reviewed the application and has no objection subject to conditions with respect to proposed culverts being replaced with widespan bridging, landscaping / trees and invasive species being put in place. The site is a serviced site within the established development boundary of Glanmire.

6.8.4. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest Natura 2000 sites. No Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

## 7.0 Recommendation

7.1. I recommend that planning permission should be refused on the reasons and considerations as set out below.

## 8.0 Reasons and Considerations

1. It is considered that the proposed construction of eight number dwelling houses on the subject site would materially contravene condition number 2 of Cork County Council's decision under Register Reference 00/1582 / PL04.123885 which required that this area 'shall be retained as public open space to serve the development and shall be landscaped and planted with trees. Details showing compliance with this requirement shall be submitted to the planning authority for written agreement prior to commencement of development'. The granting of planning permission for the proposed eight number dwelling houses would set an undesirable precedent in terms of non-compliance with planning conditions and would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposed development for 8 number dwelling houses on an existing open space area of land, indicated for use as open space in Register Reference 00/1582 / PL04.123885, would be contrary to Section 5.5.7 'Standards for Public Open Space Provision' of the Cork County Development Plan 2014 and Policy HOU 3-2 which states: 'that new urban development should be of a high-quality design and support the achievement of successful urban space'. It would also be contrary to section 14.3.6 of the Plan which provides that 'the inclusion of the land within an existing built up area does not imply any presumption in favour of development or redevelopment, unless this would enhance the character and amenity of the area as a whole' and to Policy HE 2-3 of the County Development

Plan which seeks to retain areas of local biodiversity value and habitats and protect them from inappropriate development. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3. Development of the kind proposed would be premature pending the determination by the planning authority of a road layout for the area, which includes a footpath / cycle link connectivity from the Cuil Chluthair estate to Glanmire. The proposed development would thereby endanger public safety by reason of traffic safety.

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Fiona Fair

Planning Inspector

20/05/2019